



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 1, 2003

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES**

## CONSENT AGENDA

**GENERAL ORDINANCES - FIRST READING** (none)

**GENERAL ORDINANCES - SECOND READING** (none)

**ZONING ORDINANCES - FIRST READING** (none)

**ZONING ORDINANCES - SECOND READING**

1. **ORDINANCE** rezoning the north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north, up for **S E C O N D** reading.

Peete

Ordinance No. 5007

Case No. Z 03-109cc

(Companion Cases STA 03-001cc& ZTA 03-001cc)

Applicant: Office of Planning and Development & City/County Public Works  
Mary Baker/Jerry Collins- Representatives

Request: (1) To amend various sections of the Memphis and Shelby County  
Zoning Ordinance and Subdivision Regulations to create an overlay  
district for the Fletcher Creek Basin  
(2) Designate the area within the Fletcher Creek Drainage Basin as  
the Fletcher Creek Drainage Basin (FCD) Overlay District.

LUCB and OPD recommendation: **APPROVAL**

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** rezoning the north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north, up for **S E C O N D** reading.

Peete

Ordinance No. 5008

Case No. STA 03-001cc

(Companion Cases ZTA 03-001cc & Z 03-109cc)

Applicant: Office of Planning and Development & City/County Public Works  
Mary Baker/Jerry Collins- Representatives

Request: (1) To amend various sections of the Memphis and Shelby County Zoning Ordinance and Subdivision Regulations to create an overlay district for the Fletcher Creek Basin  
the (2) Designate the area within the Fletcher Creek Drainage Basin as Fletcher Creek Drainage Basin (FCD) Overlay District.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the north of Shelby Farms between Summer Avenue on the west, Berryhill Road on the east and Memphis Arlington Road on the north, up for S E C O N D reading.

Peete

Ordinance No. 5009  
Case No. ZTA 03-001cc  
(Companion Cases STA 03-001cc & Z 03-109cc)

Applicant: Office of Planning and Development & City/County Public Works  
Mary Baker/Jerry Collins- Representatives

Request: (1) To amend various sections of the Memphis and Shelby County Zoning Ordinance and Subdivision Regulations to create an overlay district for the Fletcher Creek Basin  
the (2) Designate the area within the Fletcher Creek Drainage Basin as Fletcher Creek Drainage Basin (FCD) Overlay District.

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

4. **RESOLUTION** approving the SUPPLEMENTAL AGREEMENT #1 TO SOUTHERN HEIGHTS SUBDIVISION, PHASES 1 & 2.

Case No. S 99-068  
Contract No. CR-4757AM

Resolution approves the Supplemental Agreement #1 located on the southwest corner of Windsor Road and Horn Lake Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached Supplemental Agreement #1.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. **RESOLUTION** approving final plat of OFFICES OF SOUTHWIND.

Case No. PD 02-354cc  
Contract No. CR-4800

the Resolution approves the final plat located on the north side of Winchester Road, west of Forest Hill Irene Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

6. **NOTATIONS** from the Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 03-323 - Cane Creek Crossing Apartments P.D.

Located on the east side of Ragan Street at the Ethlyn and Gold Intersections, containing 10.7 acres in the Heavy Industrial (I-H) District

Applicant: Cane Creek Crossing, L.P.  
Stephen Turgeon & J. Gordon Hollingsworth  
(Capital Partners) - Representative

Request: A 125-unit apartment complex with fence and gate,  
consisting of two-story building with pitched roofs

LUCB and OPD recommendation: APPROVAL, with conditions

**B. Case No. PD 03-329 - Waring Park**

Located on the west side of Waring Road; +750 feet south of Chickasaw Road, containing 1.96 acres in the Single Family Residential (R-S10) District

Applicant: Brad Rainey Homes  
ETI - Ralph Smith - Representative

Request: Maximum of 3 lots

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: July 15, 2003**



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 1, 2003

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125 N. Main Street  
Memphis, TN 38103-2017

### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

### PRESENTATIONS AND RECOGNITION OF VISITORS

#### 7. APPOINTMENTS

Marshall

### BOARD OF EQUALIZATION

Howard L. Golwen - Appointment

### CITY BEAUTIFUL COMMISSION

#### Appointments

Kristi Duckworth  
Staci C. Franklin  
Martha Fuller  
Shelley L. McKee  
Mary Elaine Neely  
John A. Pasley, Jr.  
Michelle Slack  
Patricia Trentman  
Inger O. Upchurch  
Jo Boone Wild

#### Reappointments

Bethany Smith  
Trevor Thompson  
Steven Watson

### LANDMARKS COMMISSION

#### Appointments

Suzanne Askew  
Don Rawlins

#### Reappointment

William Scarbrough

### MEMPHIS & SHELBY COUNTY AIR POLLUTION BOARD

James G. M. Lensehau - Appointment

### EXECUTIVE DIVISION

(none)

### FINANCE & ADMINISTRATION

8. RESOLUTION authorizing the issuance of General Obligation Bonds, of the City of Memphis, Tennessee in the amount of \$150,000,000.00 for the purpose of financing the cost of public works projects in the city.

Ford

ACTION REQUESTED: Adopt the resolution

### DIVISION OF FIRE SERVICES

9. RESOLUTION requesting funding of \$10,000.00 for the Memphis Firefighters Sports Association.

Jones

ACTION REQUESTED: Adopt the resolution

**DIVISION OF GENERAL SERVICES**

- 10. RESOLUTION appropriating \$665,852.00 in construction funds for City Hall Re-wire, CIP Project Number GS016.

Jones

ACTION REQUESTED: Adopt the resolution

- 11. RESOLUTION accepting an offer to purchase City owned property located on the west side of Coker Street, south of Firestone Avenue. The approximate dimensions are 50' x 112'. The lot is unimproved. The amount of the offer is \$850.00.

Jones

Resolution accepts an offer from First Tabernacle Ministries, Inc., to purchase property located in the City of Memphis, County of Shelby and State of Tennessee, known for address purposes as 1239 Coker Street and identified by the Shelby County Assessor's Office as Ward 040, Block 011, Parcel 019. This property was acquired by the City of Memphis for delinquent taxes in Tax Sale #13, Chancery Court Cause #9460-2, as Exhibit #4073 on May 4, 2000.

Per Ordinance, the sale of the subject parcels in NOT subject to the offer laying over for a future Council Meeting for an increase of bid. Therefore, resolution approval shall be deemed as approval of the sale. Resolution also authorizes the Real Estate Bureau to prepare and the Mayor to execute the necessary documents in connection with the conveyance.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

- 12. RESOLUTION amending the Community Development Public Service Operating Budget by appropriating \$335,834.00 in Social Services Block Grant Funds received by the City per contract with the Tennessee Department of Human Services for the purpose of providing homemaker services to eligible clients in Community Development's Census Tracts under the provisions of Title XX Social Security Act. Federal Community Development Block Grant Funds in the amount of \$97,778.00 already appropriated to the Community Development Block Grant Public Services Operating Budget will be used as the local match and an additional \$275,452.00 in CDBG funds will be provided to supplement the match.

Ford

Housing & Community Develop recommends approval

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES** (none)

**LAW DIVISION** (none)

**DIVISION OF PARK COMMISSION** (none)

**DIVISION OF POLICE SERVICES**

- 13. RESOLUTION appropriating \$75,060.00 for the construction of the Heliport Facility Repelling Tower Stairs.

Mitchell

Bids were received on May 16, 2003 with the best bid from P. C. Mock Construction in the amount of \$69,500.00, plus contingency of \$5,560.00 for total estimated construction cost of \$75,060.00.

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICE** (none)

**DIVISION OF PUBLIC WORKS**

14. RESOLUTION amending the Capital Improvement Budget by transferring allocations of \$307,014.00 from Miscellaneous Intersections PW039 and \$194,367.00 from Traffic Signals EN141 in G.O. Bonds to Various Intersection Improvements, Project Number PW292. Resolution also appropriates \$501,381.00 in G.O. Bonds for Various Intersection Improvements, Project Number PW292 for a construction contract with Ferrell Paving, Inc.

Holt

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$289,784.00 in Sewer Funds from Rehabilitation of Existing Sewers, Project Number SW012 to Pumps and Piping for Emergency Sewer Repair, Project Number SW144.

Holt

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION amending the Capital Improvement Budget by appropriating \$963,000.00 in G.O. Bonds in Jackson Pit Dump, Project Number PW149.

Holt

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$121,672.00 in G.O. Bonds from Drainage, Project Number PW120 to James Park Drainage District, Project Number PW424, for construction contract with Dixieland Contractors, Inc.

Holt

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

**GENERAL ORDINANCE - THIRD AND FINAL READING**

18. **ORDINANCE** to assign newly annexed areas to council districts and to revise and change all council districts so that all such districts will remain as equal as practicable and all such districts will comply with the injunction decree issued by United States District Judge Jerome Turner, pertaining to Voting Rights Act remedies, up for T H I R D and F I N A L reading.(Held from 6/3; 6/17)

Marshall

Ordinance No. 5001

ACTION REQUESTED: Take whatever action Council deems advisable

**ZONING ORDINANCE - THIRD AND FINAL READING**

19. **RDINANCE** rezoning the southeast corner of Park Avenue and Tunstall Street, containing three (3) parcels – 13,503 square feet (.31 acre) in the Local Commercial (C-L) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5006  
Case No. Z 03-108

Applicant: Orange Mound Development Corporation (OMDC)  
Eddie Hayes III – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**193 NOTICES MAILED ON JUNE 20, 2003**

**DIVISION OF PLANNING & DEVELOPMENT**

20. RESOLUTION approving a hotel waiver for Park Place Hotel located at 5877 Poplar Avenue.

Peete

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION approving a hotel waiver for Holiday Inn Memphis located at 6101 Shelby Oaks Drive.

Peete

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS**

22. RESOLUTION approving a planned development located on the southeast corner of Hacks Cross Road and Winchester Road, containing 5.73 acres in the Medical office, commercial and vacant land currently governed by Hacks Cross/Winchester Planned Development (P.D. 91-331cc).

Peete

Case No. PD 03-317cc

Applicant: Silk & Stewart Development Group  
Askew Hargraves Harcourt & Associates, Inc.  
Brenda Solomito- Representative

Request: Planned development amendment to allow the extension of limited Planned Commercial (C-P) District uses along the Hacks Cross Road street frontage within the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**263 NOTICES MAILED ON JUNE 20, 2003**

23. RESOLUTION approving a planned development located on the east side of Hacks Cross Road; +/-2,800 feet south of East Shelby Drive containing 36.79 acres in the currently governed by The Greens @ Irene Planned Development (P.D. 99-328cc).

Peete

Case No. PD 03-318cc

Applicant: Jeff Bronze  
W. H. Porter & Co., Inc. – Representative

Request: Planned development amendment to modify the bulk regulations in the Area “C” to allow a maximum of sixty (60) single family residential detached dwelling units a minimum lot size of 18,000 square feet in area with minimum lot widths at the front yard building set back line one-hundred (100’) feet for rectangular lots and eighty-five (85) feet for cove lots and lots along the curvilinear streets

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**37 NOTICES MAILED ON JUNE 20, 2003**

24. RESOLUTION approving a special use permit located on the north side of Peebles Road, between Andy Road and Green Road, containing 3.8 acres in the Heavy Industrial & Highway Commercial (C-H) Districts.

(I-H)

Peete

Case No. SUP 03-203

Applicant: Charles Greenberg

Request: Special use permit to allow a recycling center for a secondary materials dealer, including scrap metal processing

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**73 NOTICES MAILED ON JUNE 20, 2003**

25. RESOLUTION approving a use variance located on the east side of Lamar Avenue; +261 feet south of Clearpool Circle, containing 2.7 acres in the Local Commercial (C-L) District. (Held from 6/17)

Peete

Case No. UV 03-01

Applicant: Andy Bhakta

Request: Billboard

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**41 NOTICES MAILED ON JUNE 6, 2003**

**ADJOURNMENT**